

MADISON COUNTY RESOLUTION 37-2011

A RESOLUTION CREATING THE BIG SKY MOUNTAIN TRAILS, RECREATION AND PARKS SPECIAL DISTRICT PURSUANT TO MONTANA CODE ANNOTATED SECTION 7-11-1001 ET SEQ. AND ADMINISTERED BY INTERLOCAL AGREEMENT PURSUANT TO MONTANA CODE ANNOTATED SECTION 7-11-101 ET SEQ, EXPANDING THE BOUNDARIES OF THE EXISTING PARK DISTRICT CREATED BY RESOLUTION 16-88, STRIPPING THE PARK DISTRICT OF ITS EXISTING TAXING AUTHORITY, AND ENTERING INTO AN INTERLOCAL AGREEMENT WITH GALLATIN COUNTY FOR THE MANAGEMENT OF THIS PARK DISTRICT AND A CONTIGUOUS PARK DISTRICT LOCATED IN GALLATIN COUNTY.

The resolution was introduced by Katie Morrison, the Executive Director of Big Sky Community Corporation (BSCC); moved by Commissioner Jim Hart and seconded by Commissioner Dan Happel. The Resolution was approved by vote of 3 in favor and none opposed this October 18, 2011.

WHEREAS, on September 6, 2011, the County Commissioners passed Resolution 30-2011, a "Resolution Of Intent To Create The Big Sky Mountain Trails, Recreation And Parks Special District Pursuant To Montana Code Annotated Section 7-11-1001 Et Seq. And Administered By Interlocal Agreement Pursuant To Montana Code Annotated Section 7-11-101 Et Seq"; and

WHEREAS, a "Notice Of Passage Of Resolution Of Intent To Create The Big Sky Mountain Trails, Recreation And Parks Special District To Be Administered By Interlocal Agreement" was published in accordance with Montana Code Annotated Section 7-11-1007 as follows:

- *The Madisonian* 9/15/2011 and 9/22/2011;
- *Lone Peak Lookout* 9/15/2011 and 9/22/2011;
- *Big Sky Weekly* 9/23/2011

WHEREAS, the County Commissioners have considered all protests and public comments and find that at the close of the protest period insufficient protests were filed; and

WHEREAS, the Madison County Big Sky area includes homes, condominiums, businesses, resorts, facilities, infrastructure, three ski mountains, and open space and shares a common boundary with the Gallatin County Big Sky area that includes similar characteristics and;

WHEREAS, Madison County residents and owners in the Big Sky area desire to plan, create, improve, maintain and develop trails, recreation and parks with the Big Sky area residents and owners in Gallatin County but lack means of accomplishing these goals across county jurisdictional lines and boundaries; and

WHEREAS, Madison County has the authority to create special districts for the purpose of creating, improving, maintaining, planning, developing and administering trails, recreation and parks pursuant to Montana Code Annotated Sections 7-11-1001 et seq.; and

WHEREAS, the County Commissioners are advised that the Gallatin County Commission has approved the formation of a similar special district in Gallatin County for similar purposes; and

WHEREAS, the County Commissioners find that the creation of this special district and administration by a joint board may provide the residents and owners with improved opportunities to plan, manage, develop, create, maintain, finance and improve trails, recreation and parks in the area which would be of general benefit to the County and its inhabitants; and

WHEREAS, Madison County has the authority pursuant to Montana Code Annotated Section 7-11-101 et seq. to enter into an interlocal agreement with Gallatin County for the purpose of having a joint board administer the special districts; and

WHEREAS, the County Commissioners find that public convenience and necessity require that a special district should be formed to benefit the inhabitants of the Big Sky area and community for all the reasons and findings herein; and

WHEREAS, the County Commissioners have the authority to create this special district pursuant to Montana Code Annotated Section 7-11-1013 within 30-days of the close of the protest period and said 30-days has not expired;

NOW THEREFORE BE IT RESOLVED, by the County Commissioners hereby create the Big Sky Mountain Trails, Recreation and Parks Special District as follows:

1. NAME. The special district shall be known as “The Big Sky Mountain Trails, Recreation and Parks Special District.”

2. NECESSITY AND PURPOSE.

The greater Big Sky area, is made up of several large entities owning large tracts of land and developments, as well as many individual and smaller tracts belonging to homeowners and businesses. These collective landowners hold property and businesses in either Gallatin or Madison County, or both. It is necessary to allow these various people and entities to work collectively to create a community trails, recreation, and parks special district for the greater enjoyment of the residents of the Big Sky community, and all visitors to the Big Sky area. It is the intention of the County that this special district will be created contemporaneously with (or nearly contemporaneously with) a similar district covering the Gallatin County portion of the Big Sky area known as the Big Sky Meadow Trails, Recreation and Parks Special District, and that the two districts will be managed and governed by an interlocal agreement entered into between the County Commissions of Madison and Gallatin Counties.

3. GENERAL DESCRIPTION OF THE TERRITORY INCLUDED IN THE BIG SKY MOUNTAIN TRAILS, RECREATION AND PARKS SPECIAL DISTRICT.

All parcels within the following described area:

- Section 5-8, 17-20, and 29-32 in T6S, R3E, PMM
- Sections 5-8, 17-20, and 29-32 in T7S, R3E, PMM
- Sections 1-3, SE ¼ Section 4, Sections 9-16, 21-28, and 33-36 in T7S, R2E, PMM
- Section 1, Sections 12-15, E ½ Section 16, E ½ Section 21, Sections 22-27, Sections 34-36 in T6, R2E; those portions of Sections 2, 3, and 11 north and east of Tract R-1, COS 7/1822-BA in T6S, R2E, PMM
- S ½ Section 19, Sections 29-33 and S ½ Section 34, T5S, R2E, PMM

4. THE GENERAL CHARACTER OF THE BIG SKY MOUNTAIN TRAILS, RECREATION AND PARKS SPECIAL DISTRICT.

The general character of the proposed Big Sky Mountain Trails, Recreation and Parks Special District is that it shall be a self funded district dedicated to the creation and implementation of recreation programs, and for the creation, acquisition, establishment, operation, improvement and maintenance of parks, trails, and recreation in the greater Big Sky area. This includes but is not limited to parks, playgrounds, athletic facilities, ball fields, trails, rest rooms, picnic shelters, and camp grounds. Working in conjunction with the Big Sky Meadow Trails, Recreation and Parks Special District, the Big Sky Mountain Trails, Recreation, and Parks Special District may raise funds and administer those funds so as to create, maintain, establish and improve a useable, functioning, and vibrant trails, recreation, and parks special district in the Big Sky area.

5. ESTIMATED COST AND METHOD OF FINANCING.

Estimated costs are not known at this time. The intention is that this district be self-funded through grants, gifts, donations, or rental or user fees and that any budget shall not exceed funding through grants, gifts, donations, or rental or user fees. Pursuant to Montana Code Annotated there is the potential for the imposition of assessment or fees to cover costs and expenses as provided in § 7-11-1024, MCA; § 7-11-1025, MCA. Any assessment or fees would require additional notice and a resolution for assessment as provided by § 7-11-1024, MCA, § 7-11-1025, MCA.

6. ADMINISTRATION BY INTERLOCAL AGREEMENT.

In accordance with Montana Code Annotated Section 7-11-1022 the special district will be administered by an appointed board of representatives of the participating jurisdictions pursuant to an interlocal agreement in form substantially conforming to the attached sample agreement.

7. BOARD POWERS & DUTIES.

In accordance with Montana Code Annotated Sections 7-11-1021 and 7-1-201 et seq. and 7-11-101 et seq.:

- (a) The board shall have 5 members, with 2 appointed by Gallatin County Commissioners, 2 appointed by Madison County Commissioners, and 1 appointed by either the Madison or Gallatin County Commissioners with approval or consent of the other Commissioners. Members must reside in the respective county and either own property or reside within the district boundary from which they were appointed and shall serve at the discretion of the commission that appoints the member.
- (b) Members of the board shall serve 3-year terms.
- (c) Members are not entitled to mileage, expenses, salary, or per diem..
- (d) The board may exercise all powers that are necessary and proper to the establishment, operation, improvement, maintenance, and administration of recreation facilities in the special district.
- (e) The board shall not pledge the credit of Madison County or impose a tax unless specifically authorized by County Commissioners with jurisdiction over the lands in the district.
- (f) The County Commissioners shall maintain a register of appointments, including: the name of the board, district or commission; the date of appointment and confirmation, if any is required; the length of term; the name and term of the presiding officer and other officers of the administrative board or special district; the date, time, and place of regularly scheduled meetings.
- (g) The board shall adopt bylaws consistent with 7-1-201(11) – (13) and this Resolution, including: a majority of members constitutes a quorum for conducting business, and action may be taken by a majority vote of members present and voting; the board shall provide for keeping of written minutes, including the final vote on all actions and the vote of each member, and all records shall be preserved consistent with public records law; the board shall provide by rule for the date, time, and place of regularly scheduled meetings and file the information with the County Commissioners.
- (h) The County Commissioners shall assume the duties of the administrative board, district, or commission if the minimum number of qualified persons is not available, and in such case the County Commissioners shall have all the same powers and duties and act in the same capacity of an administrative board, district, or commission, and shall not receive any additional compensation.
- (i) The Board may exercise only the specific powers and duties granted as follows:
 - (1) implement a program and order improvements for the special district designed to fulfill the purposes of the special district;
 - (2) administer the budget of the special district subject to the limitations herein;
 - (3) employ personnel;
 - (4) purchase, rent, or lease equipment, personal property, and material necessary to develop and implement an effective program;

- (5) cooperate or contract with any corporation, association, individual, or group of individuals, including any agency of federal, state, or local government, in order to develop and implement an effective program;
- (6) receive gifts, grants, or donations for the purpose of advancing the program and, by gift, deed, devise, or purchase, acquire land, facilities, buildings, and material necessary to implement the purposes of the special district;
- (7) construct and maintain facilities and buildings necessary to accomplish the purposes of the special district;
- (j) The entity chosen to administer the special district shall submit an annual budget and work plans to the governing body for review and approval consistent with the specific powers and duties herein.

8. AUTHORITY.

The County Commission is authorized to adopt this resolution creating the special district pursuant to Montana Code Annotated Section 7-11-1013 within 30-days of the close of the protest period and has acted accordingly.

9. REPORTING PROCEDURE.

The County Commission shall within 60-days after the creation of the special district provide the Department of Revenue with the information required pursuant to Montana Code Annotated Section 7-11-1014.

10. EFFECTIVE DATE.


The effective date for the creation of the special district shall be the date of adoption of this Resolution and passage by the Madison County Commissioners.

APPROVED BY THE BOARD OF COMMISSIONERS THIS 18th DAY OF OCTOBER, 2011.

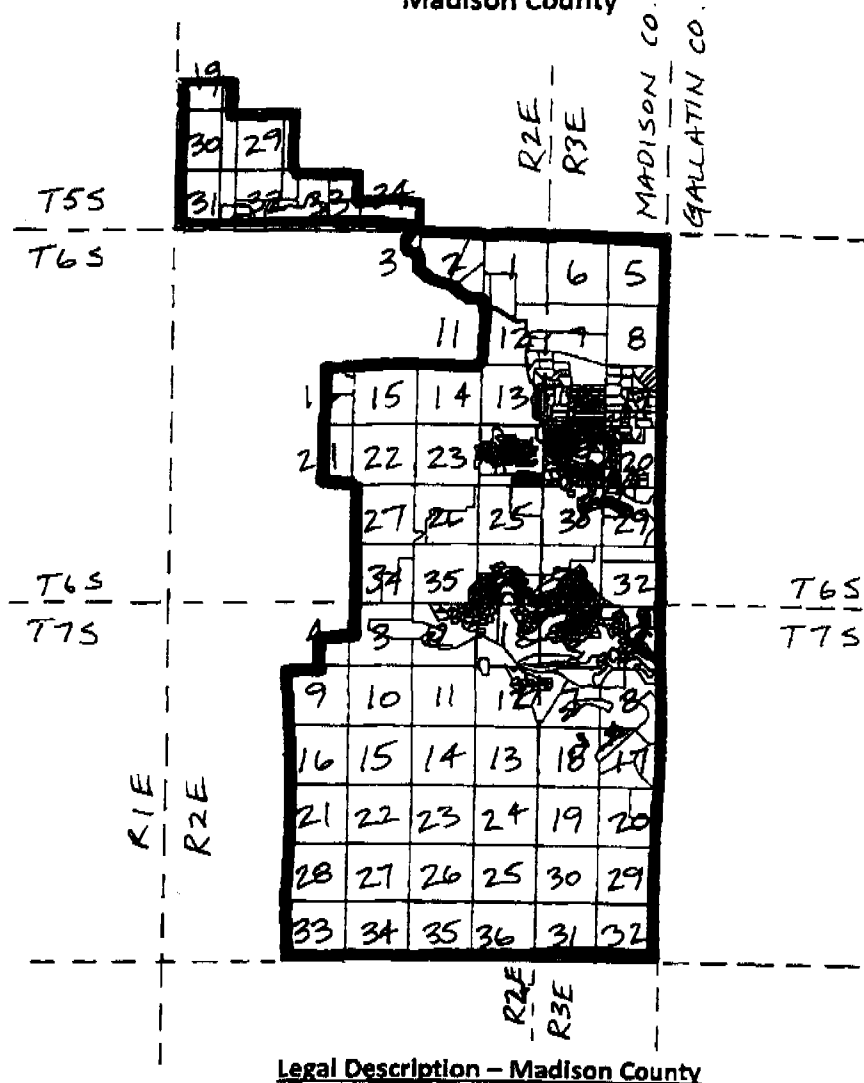

DAVID SCHULZ, CHAIRMAN


DAN A. HAPPEL


JAMES P. HART

ATTEST: 
Peggy Kaatz Stomler
Clerk and Recorder

**Big Sky Trails, Recreation, and Parks Special District
Madison County**



Legal Description – Madison County

All parcels within the following described area:

- Sections 5-8, 17-20, and 29-32 in T6S, R3E;
- Sections 5-8, 17-20, and 29-32 in T7S, R3E;
- Sections 1-3, SE1/4 Section 4, Sections 9-16, 21-28, and 33-36 in T7S, R2E;
- Section 1, Sections 12-15, E1/2 Section 16, E1/2 Section 21, Sections 22-27, Sections 34-36 in T6S, R2E; those portions of Sections 2, 3, and 11, north and east of Tract R-1, COS 7/1822-BA in T6S, R2E;
- S1/2 Section 19, Sections 29-33, and S1/2 Section 34, T5S, R2E

Hans Streufert

Hans Streufert, PLS
MT Reg. No. 16971LS
Morrison-Maierle, Inc.



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STATE OF MONTANA MADISON COUNTY
RECORDED: 10/21/2011 4:35 KOI: MADISON CO
Peggy Kaatz Stemler CLERK AND RECORDER
FEE: \$0.00 BY: *Cheryl Stemler*
TO: FILE 101-E 7 PGS,

RESOLUTION 2011-37

**Creating Big Sky Mountain Trails
Recreation & Parks Special Dist**